

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :
v. : NO. 3:06CR38(EBB)
JOSEPH J. MILO, SR. :

RULING ON MOTION FOR REDUCTION OF FINE

Defendant has moved for the reduction of the \$52,000 fine imposed as part of his sentence to a fine within the advisory Guidelines range of between \$500 and \$5,000. The fine imposed was the equivalent of the gross income defendant had received as a “no show” employee.

Application note 4 to § 5E1.2 of the sentencing guidelines states in relevant part that “where...two times...the amount of the gain to the defendant...exceeds the maximum of the fine guideline, an upward departure from the fine guideline may be warranted. Moreover, where a sentence within the applicable guideline range would not be sufficient to ensure both the disgorgement of any gain from the offense that otherwise would not be disgorged...and an adequate punitive fine, an upward departure from the guideline range may be warranted.” The court believes the fine imposed is consistent with this guideline.

Defendant’s financial statement indicates he possesses monetary resources more than sufficient to pay this fine.

The motion [Doc. No. 38] is denied.

SO ORDERED.

_____/s/_____
ELLEN BREE BURNS, SENIOR JUDGE
UNITED STATES DISTRICT COURT

Dated at New Haven, CT, this 28th day of September, 2007.